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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,209	01/12/2006	Vincent Hernette	052731	8497

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EXAMINER
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NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/544,209

Applicant(s)

HERNETTE ET AL.

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Applicant has amended the claims to exclude the use of indefinite terms.  
However, there are still quite a few of these terms left in the claims. Please review carefully and amend accordingly. These are the examples: such as, for examples, the latter, this, when appropriate, making it possible in particular, its, and/or, if, etc.
- The features lack antecedent basis: the various sensors, the sensors of the displacement of the front and rear wheels, the global braking effectiveness, the zone of braking noise, the noise zone, the control button, the selecting lever, the case of overloading, etc.
- "The sensor" is being claimed in claim 10 without specifically pointing out which sensor from the plurality of sensors.
- It is unclear what is "a sensor of the displacement of the wheels of the vehicle with respect to the body of the latter". Does Applicant mean the sensor for wheel

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turning as when turning a corner? It is believed that Applicant intends this sensor to be a slope sensor. Please clarify.

Because of the numerous indefinite claimed features, it is unclear of what features are being claimed and which features are being recited but not claimed. Claim 1 and all the dependent claims are being treated as best understood.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 8 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siepker (6,019,436) in view of Ota et al. (6,199,964).

Re: claim 1, Siepker shows a system for controlling the state and operation of a motor vehicle equipped with a dynamic braking device 4 and a static braking device 3, as in the present invention, comprising: a plurality of sensors 2a-2N, the piloting device 1 receiving information from sensors and calculating braking orders and maintaining a braking force as claimed, see column 2, lines 37-43, so as to perform maintaining the vehicle immobilized as soon as the speed of the vehicle is zero in column 2, lines 50 to end. Siepker is silent of the specific sensors as claimed in claim 1. Ota teaches a brake control system wherein to properly controlling the brake, a plurality of sensors are included as shown in figure 1, a master cylinder pressure sensor PD, a wheel speed

sensor WS, a slope detector GR and an acceleration sensor mentioned in column 8, line 9 (not shown). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the specific sensors as taught by Ota for use in the system for controlling of Siepker in order to properly detect the states of the vehicle and to properly controlling the brake according to the information from the sensors.

Re: claims 2, 3, 7-9 and 13, Siepker further shows the dynamic and static brakes are used for steep slope but normally, the static brake is mainly used for normal parking; and the piloting device monitors the different scenarios to apply the dynamic brakes and the static brakes accordingly, see column 6, lines 36-52 and column 2, lines 50-57.

Re: claims 11, 12, 14 and 17, Siepker shows the static brake is cable actuated and can be controlled by a manual button in various situations including an emergency in column 4, lines 54-55 and column 5, lines 40-62.

Re: claims 15 and 16, Siepker takes into consideration of situations for parking on a slope and normal parking as stated in the rejection of claims 2 and 3 above. Siepker lacks the specific sloping angles. Claims 15 and 16 are considered to be engineering design choices and would have been obvious to one of ordinary skill in the art to design the piloting device to act according to a certain sloping angles to meet certain requirements such as road conditions or weight and height of the vehicles.

***Response to Arguments***

5. Applicant's arguments filed 8/14/07 have been fully considered.
- Applicant submitted the translation of the priority document to overcome the rejection based on Fischer. The rejection has been withdrawn.
  - Applicant further amended claim 1 to include all the sensors and to broaden the scope of the claim by performing only one of the listed tasks. Applicant's amendments have drastically changed the scope of claim 1 which necessitated the new ground of rejection.
  - Also, please note that Applicant has not overcome the rejection of indefiniteness. Please review the claims and amend accordingly.

***Allowable Subject Matter***

6. Claims 4-6 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 10-25-07  
Primary Examiner  
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